

**U.S. Forest Service  
Intermountain Region**

**Project description**

**To:** Duncan Leao, Acting District Ranger, Bridgeport Ranger District, Humboldt-Toiyabe National Forest

**From:** Kathy Zamba, environmental engineer

**Subject:** National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) review requirements for the Upper Virginia Creek (UVC) and Lower Virginia Creek (LVC) solid waste remediation project

**Date:** August 27, 2021

**Project Description**

The Upper Virginia Creek/Lower Virginia Creek (UVC/LVC) site is a historic open dump accessible from Virginia Lakes Road on the Bridgeport District of the Humboldt-Toiyabe National Forest (Attachment A, Figures 1 - 2). CalRecycle, a department of the State of California, brought this site to our attention in 2020. The Resource Conservation and Recovery Act (RCRA) banned open dumps in 1976 and requires existing open dumps (such as UVC/LVC) to be closed or upgraded to eliminate health hazards and minimize potential health hazards (42 USC 6945). CalRecycle assigned Solid Waste ID Number 26-CR-0021 to the site and has offered to implement a remediation project to bring the site into compliance.

The UVC portion of the site is less than ½ acre in size. The LVC portion of the site is less than 0.1 acre in size. The solid waste at the site consists of concrete chunks, old cans, glass, larger pieces of metal refuse, and inert materials (Attachment A, Figures 3 - 7). The waste is inorganic and does not present leachate or gaseous emission concerns.

The remediation plan is to consolidate the waste at each portion of the site and cover it with approximately two feet of soil, mounding as needed so surface water runs off. At UVC there will be a berm to direct surface water away from the waste. The concrete refuse from the site will be segregated and used to buttress the berm. Approximately 10 – 20 trees will need to be removed at UVC for equipment access. They will be marked first for approval. The Forest Service will have an opportunity to request other Best Management Practices (BMPs) when CalRecycle sends draft design documents for review.

**NEPA Status**

The proposed project is a regulatory compliance action, required to meet minimum standards for addressing historic open dumps pursuant to RCRA. The Forest Service lacks discretion to take alternative or no action in this case. Per advice from the USDA Office of the General Counsel (OGC), such regulatory compliance actions do not trigger NEPA review. OGC indicates that legal cases have held that NEPA coverage does not apply to agency action mandated by statute. Additional details can be found in an attorney/client memo dated 5/4/04.

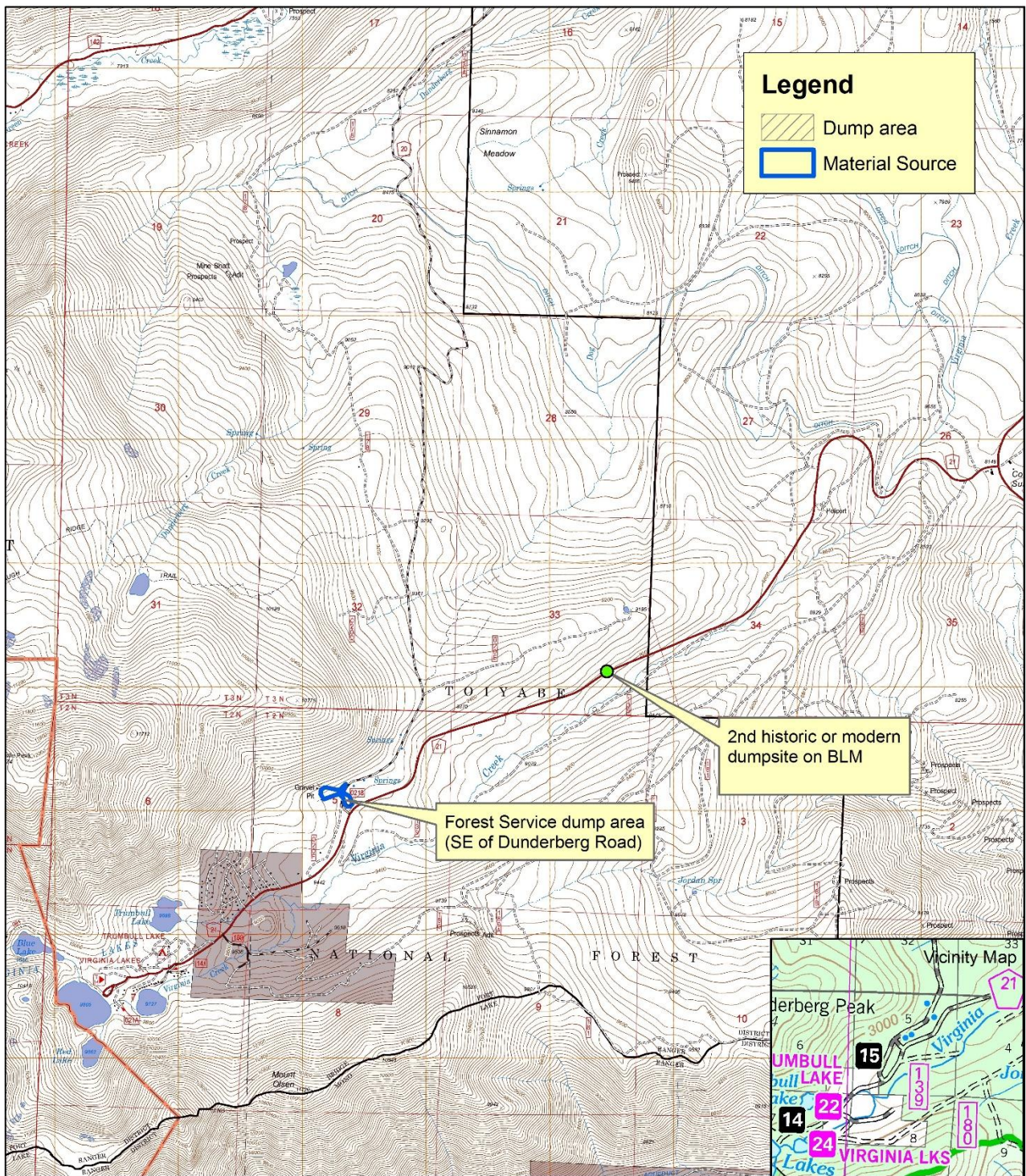
**NHPA Status**

Per Section 106 of NHPA, on 12/10/20 the Forest Service sent a project description to the State Historic Preservation Officer (SHPO) for review (Attachment B). The Forest Service determined that the

proposed project will result in No Adverse Effect to historic properties. On 8/26/21, District Archaeologist Eric Dillingham reported that the California SHPO did not respond to the submittal within 30 days. The Section 106 documentation process is complete.



## Attachment A - Figures

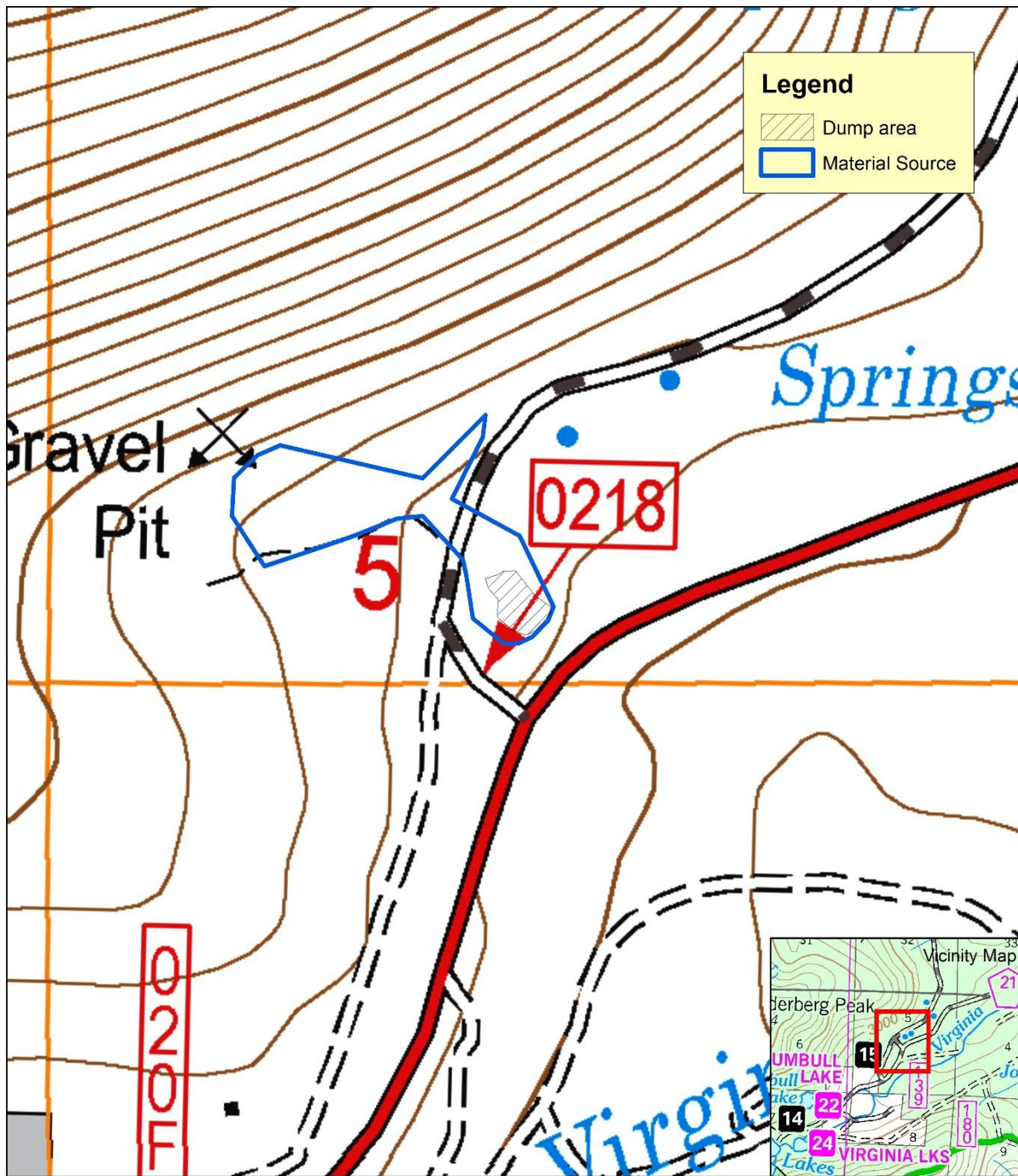


Dunderberg Can Dump  
Public Inquiry

0.1250  
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**Figure 1 – Location Map**





**Dunderberg Can Dump  
Public Inquiry**



0.125 0  
Miles

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Date: 5/15/2020 Document Path: T:\FS\NFS\Humboldt\Toiyabe\Program\2300Recreation\2360HeritageRestricted\GIS\0202Bn\AML MAAS\Dunderberg waste dump\Dunderberg Waste Dump.mxd

**Figure 2—Site Map**



***Figure 3 – Site Photo***





***Figure 4 – Site Photo***



***Figure 5 – Site Photo***





***Figure 6 – Site Photo***



***Figure 7 – Site Photo***

## Attachment B – NHPA Section 106 documentation

[I will incorporate this doc when we are ready to finalize the memo:]



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20201210.pdf